

Rough Draft - 1

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court reporter for the benefit of counsel and

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parties. Please remember it is not a certified,

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final-form transcript and is not to be used as such.)

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Q I'm going to shift gears and talk a little bit

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various components of your opinions. And I want to

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talk first about pipe deflection and pipe deflection

14

measurement.

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On page 81, and it's Opinion 2, you

16

state that "The probable cost for pipe deflection

17

measurement through laser profiling is 1.4 million."

18

What is "pipe deflection"?

19

A Well, I believe -- actually let me state that the

20

pipe deflection portion of this was -- the estimate

21

was provided by an outside firm that does that type

22

of work.

23

Q Okay.

24

A And I believe that was -- it was -- I don't even --

25

Q Well, if we turn to page -- and I think I --

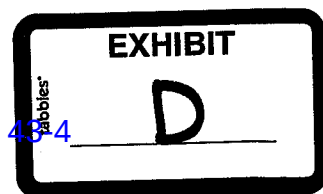
Rough Draft - 2

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A So I don't know the actual details of -- I mean,

2

typically, if there's work done that is outside of



3 our expertise, we find someone that knows about that.

4 So -- I don't know the details of
5 actually that particular -- what's in that number.

6 Q Do you know what -- do you know what pipe deflection
7 is, what they're talking about in the context of your
8 estimate?

9 A well, I didn't read Neill's technical memo, so I
10 could -- I could make an assumption of what it is,
11 but I mean, deflection is when the pipe bends, so
12 they're probably measuring how much it has changed or
13 bent from being a true straight pipe.

14 Q what would typically cause that kind of pipe bend or
15 deflection?

16 A I don't know. I'm not an technical expert on it.

17 Q And if you don't know the answers to these questions,
18 let me know. And I'm just trying to figure out what
19 you know and what you don't know. If you don't know,
20 just tell me. If you're relying on other people,
21 that's fine.

22 Do you know how that problem of
23 deflection would manifest itself? How you would know
24 if you had pipe deflection?

25 A No. I mean, obviously if it got severe enough, it
Rough Draft - 3

1 would -- it would probably cause the valve not to
2 work, but --

3 Q why would the valve not work because of pipe
4 deflection?

5 A It would bind it, I would assume. But again, I'm not
6 an expert in this area.

7 Q Do you know how you prevent pipe deflection?

8 A By providing proper support.

9 Q What do you mean by that?

10 A Well, whatever it is that's creating the pipe to
11 bend, usually there's some force there that is
12 causing it to deflect or overstress or whatever it's
13 doing.

14 So supporting it properly would cause
15 it -- I mean, would solve the problem.

16 Q Are you aware of any evidence that the pipeline on
17 this project is deflecting?

18 A No. I -- like I said, I don't know the technical --
19 I haven't read anybody's technical reports, reviews.

20 Q Do you remember ever reading a report by Patricia
21 Galloway?

22 A No.

23 Q If you had read her report, it would have been
24 included in your file, correct?

25 A Yes.

□ Rough Draft - 4

1 Q What about Neill Hampton's report? I think you said
2 you don't recall reading his report, but --

3 A I may have gotten it, but I don't recall reading it.

4 Q Would that have been in your materials if you had
5 gotten it?

6 A If I had gotten it, yes.

7 What I'm saying, I don't -- I actually
8 don't know if I got the report. I know I got the
9 cover for the report because it was sent to me at the
10 same time mine was --

11 Q For you to sign?

12 A Yeah. which could be why I didn't read it.

13 Actually, I don't know if I've ever seen it, but I
14 have seen the cover.

15 Q But from your standpoint, for purposes of your work,
16 you felt it was sufficient to have discussions with
17 Mr. Hampton about the content of his sketch that you
18 were estimating, right?

19 A Correct. We were just coming up with the costs based
20 on that sketch.

21 Q In your report you identify a cost for laser
22 profiling of the pipe. Does that sound right?

23 A There was a cost provided, yes. But that was for the
24 pipe deflection.

25 Q Right, and I'm just talking about pipe deflection
Rough Draft - 5

1 right now.

2 what are -- if you know, how are ways
3 to measure pipe deflection? Are there different ways
4 to measure pipe deflection?

5 A I'm sure there are, but again, I'm not the technical
6 expert on how that's all done.

7 Q How did you know that laser profiling was going to be
8 used for measuring pipe deflection in this case?

9 A Well, all -- most -- that entire cost estimate was,
10 again, provided by another firm who does this type of
11 work, and --

12 Q Did you or anybody else at CDM, to your knowledge,
13 review other ways to measure pipe deflection other
14 than laser profiling?

15 A I don't know.

16 Q And I -- the reason I'm asking is, you estimated how

17 much laser profiling would cost, right? Or you used
18 the estimate --
19 A I used the estimate somebody else provided, yes.
20 Q Do you know whether CDM got estimates -- the
21 estimate, by the way, was by an outfit by the name of
22 Red Zone Robotics. Does that sound right to you?
23 A Yes.
24 Q Do you know whether CDM got estimates from anybody
25 other than Red Zone Robotics for laser profiling?

□ Rough Draft - 6

1 A I don't know.
2 Q Do you know whether CDM -- anybody at CDM considered
3 any other ways to measure pipe deflection other than
4 through laser profiling?
5 A I don't know.
6 Q What is laser profiling?
7 A I'm not real sure, but I imagine what they're doing
8 is they're shooting a laser down the length of the
9 pipe and -- and determining how much deflection there
10 is.
11 Q How would they do that? I'm just trying to picture
12 in my mind what it is that they would be doing.
13 A I don't know the details of how they would do that.
14 Q Would they do that from inside the pipe?
15 And if you don't know, just --
16 A I don't know. Well, if you can't get in the pipe, I
17 mean --
18 Q This pipeline is currently operating, right?
19 A Yeah, that's my understanding.
20 Q So you're not sure what Red Zone Robotics is

21 proposing to do with its laser profiling, right?

22 A No.

23 Q For example, do you know whether they'd have to take
24 the pipeline out of service in order to do what
25 they're doing?

□ Rough Draft - 7

1 A I don't know. If they couldn't do it from inside,
2 you'd have to do it from the exterior and do
3 excavations and -- but I don't know, again, how --

4 Q And you don't know whether they'd have to, for
5 example, excavate the entire length of the pipe in
6 order to do the laser profiling?

7 A Right, I don't know.

8 Q Have you ever in your experience estimated the cost
9 of laser profiling before?

10 A Never.

11 Q Have you ever estimating the cost of any other way to
12 measure pipe deflection other than laser profiling?

13 A Not that I can think of, no.

14 Q Are you aware of any project that you've worked on
15 where deflection measurement was an issue or came
16 into play in any way?

17 A As a cost item --

18 Q Yes.

19 A -- or -- deflection is always an issue in design
20 work.

21 I mean, not that I can remember coming
22 up with a cost for measuring deflexion, no.

23 Q You said deflection is always important in design
24 work, or words to the effect.

25 How do you deal with deflection when
Page 6

□ Rough Draft - 8

1 you're designing a pipeline?

2 A Well, it depends on the materials that you're using
3 for the pipe and for the surroundings of the pipe, so
4 it's different depending on the materials, I mean,
5 and the soil types, and how you have to support that
6 particular type of pipe.

7 Q So is it fair to say that -- strike that.

8 Is it fair to say that ordinarily
9 deflection is dealt with at the design stage by
10 designing an embedment zone that will properly
11 support the pipe so that you don't get deflection,
12 right?

13 A Normally, yes.

14 Q Do you recall any projects that you've been involved
15 in where there's a requirement that the contractor
16 measure deflection during construction?

17 A It's probably in some specification somewhere, yeah.
18 I don't -- I mean, I can't cite specific examples,
19 no.

20 Q You're not personally aware of any of those types of
21 specs. You're just speculating that they might be
22 out there?

23 A Correct.

24 Q Do you know what type of deflection measurement might
25 be called for by a contractor during construction?

□ Rough Draft - 9

1 A No.

2 Q You've never seen any such specs?

3 A I mean, not that I can recall the details of, no.

4 Q The -- we looked earlier that your opinion is that
5 the cost estimate is \$1.4 million for pipe deflection
6 measurement.

7 If we look on page 129, there's a
8 number in the box on the bottom that's 1,356,925.

9 A Yes.

10 Q Is that the -- is this the backup for your
11 \$1.4 million?

12 A Yes. It would have been rounded off.

13 Q How did you get to the 1,356,925 that you rounded up
14 to 1.4 million?

15 A Well, again, this was done by Red -- is it Red Zone?
16 Red -- and then this -- massaging these numbers was
17 done by Erin. So she had apparently gotten a quote
18 for some lengths in this upper part here, and then
19 extrapolated it. So it was done on a dollar per foot
20 basis.

21 Q Do you know -- have you ever worked with Red Zone
22 Robotics before?

23 A No.

24 Q Do you know if anybody at CDM has worked with Red
25 Zone Robotics before?

□ Rough Draft - 10

1 A I don't know.

2 Q Do you know whether Erin got any documents from Red
3 Zone Robotics on what they were proposing to do?

4 A I -- I don't know. I don't have those documents. I
5 haven't seen them.

6 Q And you personally didn't talk to anybody at Red Zone
7 Robotics, correct?

8 A No.

9 Q What discussions did you have with Erin about her
10 efforts to obtain estimates from Red Zone Robotics?

11 A It was very limited. It was, I'm getting pricing on
12 this, doing this work.

13 Q So the conversation would have been --

14 A So --

15 Q Go ahead.

16 A So there was no detail of what it was they were going
17 to be doing or what -- so my input would have been
18 that this scaling up was the correct way of going
19 about it.

20 Q So what do you understand the chart on the top to
21 mean when it says, "Costs Received," and then there's
22 that chart with nine numbers in it?

23 A Well, there were -- there was three cost components,
24 and they're all based on a particular length of pipe,
25 and -- which created dollars per linear foot.

□ Rough Draft - 11

1 Q Okay. Is it your assumption that -- well, let me
2 back up.

3 Do you know whether Erin received
4 these numbers by telephone or by e-mail or any
5 written documentation?

6 A I have no idea.

7 Q How would you typically do this in the business if
8 you were working on an estimate of this nature?

9 would you just pick up the phone and
10 call some suppliers and get numbers, or would you ask
11 for a proposal or documentation?

12 A Some of it depends on how much detail you knew about.
13 Sometimes it would be a phone conversation and --
14 with -- with the person, take some notes. Sometimes
15 they're -- they're able to provide a little more
16 detail and send a fax over or an e-mail these days.

17 So it's kind of -- depends on what it
18 is you're trying to get priced and the company that
19 is doing it, what they're willing to give you back.

20 Q If you were working on something that had a price tag
21 of a million four, would you insist on getting
22 something in writing from Red Zone Robotics, or would
23 you just rely on what they're telling you on the
24 telephone?

25 A Well, some of it's up to whatever they're willing to
Rough Draft - 12

1 provide. Some companies will talk to you, and
2 then -- and then you're on your own. So, I mean, you
3 can ask for written, but again, it depends on --

4 I can give you plenty of examples of
5 things. You know, if you ask someone for some
6 dewatering or bypass pumping costs, usually those
7 companies they'll come back with a 15 page proposal
8 out of a two-minute conversation. But that's really
9 unusual.

10 Most people will say, oh, that's --
11 this pipe costs \$10 a pound, kind of thing, or
12 whatever, 80 -- \$80 a foot. And so you just jot it
13 down.

14 Q In looking at the chart here, are you assuming that
15 Erin got a bid from Red Zone Robotics, for example,
16 if they did 5,000 feet of pipe, it would cost 64,000,

17 10,000 feet of pipe would cost 99,550, and so on, and
18 then she extrapolated the dollars per foot?

19 A Yes.

20 Q well, what does that mean underneath where it says:
21 "4.242 times the length results in 83 percent of the
22 lineal foot unit cost"?

23 A (Calculating.) I don't know.

24 MR. BARTZEN: Paul, do you see that the
25 chart goes to the next page? Do you recognize that

□ Rough Draft - 13

1 there's some carryover of the words?

2 THE WITNESS: Steel factor --

3 BY MS. SCHELLINGER:

4 Q Mr. Damon -- go ahead.

5 A I was just going to try and -- (calculating).

6 Q Mr. Damon, you've taken a couple minutes now to do
7 some calculations, and I think the question I asked
8 you was whether you know what Ms. Smith intended when
9 she said, "4.242 times the lengths relates in:
10 83 percent of the linear foot unit cost."

11 Do you know the answer to that
12 question, or is that something you'd have to ask
13 Erin?

14 A I don't know. You'll have to ask Erin.

15 Q Do you know whether Erin got a bid for doing the
16 entire pipeline as opposed to just lengths of 5,000
17 or 10,000 feet?

18 A well, it appears from here that she got three prices
19 for something -- lesser lengths, and then applied it
20 to the 30-mile total length.

21 Q So you don't know that she asked them, hey, if I give
22 you a 30-mile project, how much will that cost?

23 You're not aware that she did that?

24 A No. Although there was a factor, looks like an
25 83 percent factor, applied here, based on what's

1 called an "economy of scale."

2 Q Do you know how she got to the 83 percent factor?

3 A No.

4 Q In the chart do you know why the number -- why she
5 got a quote, if, in fact, she did, for 42,420 feet?

6 A No.

7 Q Okay. So if we look at her extrapolation on the
8 bottom, could you tell me what she was doing there?

9 A (Calculating.)

10 I believe she took the dollar values
11 for the total length and extrapolated it up to the
12 30 miles -- or the 157,500 feet.

13 Q How did she do that -- let me back up.

14 Have you seen this calculation or
15 worked through this calculation before today?

16 A No.

17 Q And I ask because we've spent maybe five minutes
18 trying to do calculations to figure out how she got
19 to her number.

20 A Mm-hmm.

21 Q Is that a yes? You agree it's taken you a couple of
22 minutes to try to figure out her calculations?

23 A Oh, yes.

24 Q And explain to me what you think she did to get --
25 how she extrapolated this.

1 A Okay. It -- I believe if you take the 64,100, plus
2 the 99,550, plus the 349,288, equals 512,938. And
3 divide that by the length, which is 57,420, gives you
4 8.93, times 157,500, gives you 1.406961. And then if
5 you multiply that times .83, you come out pretty
6 close to this number here.

7 Q What number do you get?

8 A I get 1,167,778.

9 Q Which isn't the same number which she gets?

10 A Not exactly, no.

11 Q Do you know -- if I'm understanding you correctly,
12 you believe that she may have added together the
13 numbers in the first column of the chart under the
14 dollar value?

15 A Yes.

16 Q And then divided that by the sum of the length number
17 in the second column to get to a dollar per square
18 foot ratio of 8.93?

19 A Dollar per linear foot of \$8.93 per foot.

20 Q Why -- do you know why she did that?

21 A Well, I don't know the -- what was represented in
22 each of these first three values.

23 I can make an assumption that it
24 was -- these are -- so I don't know if there are
25 actually different items, or if it's three numbers

1 for three different scenarios of, here's about how
2 much this stuff costs per foot. And so we're taking

3 an average. That would be taking an average of those
4 three numbers.

5 Q Do you -- you weren't involved in the conversations
6 with Red Zone, correct?

7 A Correct.

8 Q So you don't know why it is that Ms. Smith wrote down
9 \$64,100 for 5,000 feet, and \$99,550 for 10,000 feet,
10 and \$395,288 for 42,420 feet?

11 You don't know whether those numbers
12 that are on this chart was a quote from Red Zone
13 Robotics or whether those were numbers that she
14 somehow extrapolated from something else?

15 A Correct, I don't know.

16 Q And you don't know why she added together the values
17 in the first column and divided that by the sum of
18 the values in the second column to get to a linear
19 foot of \$8.93?

20 A Correct. These are assumptions on my part. I was --
21 I don't know how she applied these -- this table at
22 the top here.

23 Q I understand. And you don't -- and you don't know
24 whether --

25 A But it does give about the same number.
Rough Draft - 17

1 Q Okay. You don't know whether she asked Red Zone
2 Robotics, just give me an estimate to do 30 miles,
3 correct?

4 A Correct.

5 Q Is a mile, in fact, 157,500 feet?

6 A No.

7 Q How many --

8 A A mile is 5,280 feet.

9 Q And 30 miles is -- well, you've got the calculator.

10 Is 30 miles 1,000- -- I'm sorry. Strike that.

11 Is 30 miles 157,500 feet?

12 A Not exactly, no.

13 Q What number is that?

14 A 1,500 and -- oh. What is 30 miles exactly?

15 Q How many feet is 30 miles?

16 A Oh. It's 158,400.

17 So, again, it must be a rounded

18 30 miles, I'm assuming. Probably the actual length

19 was the 157,500.

20 Q You don't know that for sure, do you?

21 A I don't know that for sure.

22 Q Do you know why Ms. Smith didn't just use the lowest

23 dollar per foot that may have been quoted to her of

24 \$8.234 to get to her number?

25 A I don't know.

□ Rough Draft - 18

1 Q Do you know what Ms. Smith meant when she said,
2 "Ratio of new length versus already quoted length"
3 means?

4 A (Calculating.)

5 I don't know about the actual number.

6 Looks like what happened is that she's saying that

7 because the length is -- required is almost four

8 times what was quoted, she's going to apply the same

9 economy of scale of the 83 percent.

10 Q I don't understand what you mean by that.

11 How do you get to the 3.713 number?

12 A I don't know how she got that number. I'm just
13 saying that what's happening up here where she said
14 four times the lengths result in 83 percent of the
15 linear foot cost, unit of cost, right underneath that
16 table, she's now saying that she's using the same
17 83 percent -- excuse me -- yeah, the same 83 percent
18 factor for economy of scale because it's about four
19 times the quoted length.

20 Q Do you know where she came up with the 83 percent?
21 Did you talk to her about that?

22 A No. No.

23 Q Do you know --

24 A She had asked us in -- in our work what kind -- for
25 doing multiple locations, and we indicated about a

□ Rough Draft - 19

1 10 percent savings. So I'm not sure where she got
2 the 83 percent in this case.

3 Q Do you know what she means by new length versus
4 already quoted length, or would you be speculating?

5 A Well, I'm just speculating. I'm assuming what she's
6 talking about is, okay, I have quotes for these
7 lengths here. I have a whole lot more than that.
8 And so she was justifying using a discount on the
9 price because there's about 30 miles of it, and what
10 was quoted wasn't that much.

11 Q Do you know what distance she was talking about when
12 she said new length?

13 A No.

14 Q Do you know where she got the
15 engineering/coordination cost of 176,990?

16 A (Perusing documents.)

17 Q Do you know where she got the \$176,990 number?

18 A Specifically, no. I'm -- there are calculations on
19 other engineering costs, but I don't think they're in
20 here.

21 Q Is it fair to say that you had very limited
22 discussions with Ms. Smith about the costs of
23 profiling for deflection, correct?

24 A Yes.

25 Q And you really haven't spent much time at all
□ Rough Draft - 20

1 reviewing the backup on page 129, correct?

2 A That's correct.

3 Q And, for example, on the column of "costs received"
4 the dollar values and the lengths, you did not talk
5 to Red Zone Robotics. That was Erin Smith, correct?

6 A I believe it was Erin Smith, yes.

7 Q So you don't know whether the numbers identified in
8 that chart were given to her by Red Zone Robotics or
9 which she may have extrapolated herself, correct?

10 A Correct.

11 Q And you didn't talk to Red Zone to find out what the
12 scope of their work was, correct?

13 A Correct.

14 Q And you don't know how Ms. Smith got to the number or
15 what it means where she says 4.24 times the length
16 results in 83 percent of the linear foot unit cost,
17 correct?

18 A That's correct.

19 Q And you're not sure what she means when she refers to
20 new length versus already quoted length; is that fair

21 to say?

22 A Well, other than I surmise that the -- what she's
23 calling the new length would be the 157,500 feet,
24 which, again, I'm assuming is the total length of the
25 pipe that needs to be profiled.

□ Rough Draft - 21

1 So, again, she's somehow taking what
2 was up here in this first table and applying it to
3 the total length of the job.

4 Q But you're not sure that's what she actually did?

5 A I didn't talk to her about it, no.

6 Q And you don't know how she got to the number of
7 engineering coordinating costs be in the amount of
8 \$176,990?

9 A Correct.

10 Q Under the circumstance -- under circumstances where
11 you don't know the answers to all of the questions on
12 how Ms. Smith got to these numbers, did her
13 calculations, and the discussions that she had with
14 Red Zone Robotics, as you sit here today, can you
15 testify under oath that the cost of laser profiling
16 is \$1,356,925?

17 Can you say that within a reasonable
18 degree of certainty under oath?

19 A I would say --

20 Q Or would you have to talk to Erin Smith?

21 A I'd have to talk to Erin Smith.

22 Q Because you're not comfortable with how she got to
23 these numbers; is that fair?

24 A Well --

25 Q You can't explain --

1 A I can't come up with these exact numbers. I can see
2 the concept of what was happening. So I can't -- I
3 mean, the method might be okay, but I can't arrive at
4 the exact numbers.

5 Q Moving on to a different topic, deflection to me is
6 kind of a different animal from the actual proposal
7 to do some remediation on the pipeline.

8 And in that regard, you have on page
9 81 identified three areas of probable construction
10 costs, and that's in the areas of the gasket and bolt
11 replacement, the pipeline access, and valve support.

12 A Correct.

13 Q And I just generally wanted to first walk through
14 what you understand Mr. Hampton to be proposing to be
15 done in that regard.

16 Did you have any discussions with
17 anyone about why it is that gaskets and bolts are
18 being replaced or being proposed to be replaced?

19 A Reasons for the --

20 Q Right.

21 A It may have been mentioned, but for what I'm doing it
22 really doesn't matter. It's like here's the work
23 that they want to do, and how much would that cost to
24 do.

25 Q Okay. And --

1 A The reasons are kind of -- from my perspective, are
2 sort of irrelevant.

3 Q And in your report, you were estimating what you
4 referred to as "Hampton's design."

5 Is Hampton's design what is depicted
6 on page 115?

7 I think there might be several
8 versions or several copies --

9 A There are two sketches, but yes, this is one.

10 Q If you turn to page 154, is that the other sketch
11 that you were referring to?

12 A Yes. 154 and 155.

13 Q Other than those three drawings, were you provided
14 with any other drawings that you can recall or any
15 other written specifications?

16 A No.

17 Q Is that -- are these drawings typical of what you
18 would see to prepare these types of estimates of
19 probable construction costs?

20 A Yes.

21 Q In your opinion --

22 MR. BARTZEN: Sorry to interrupt. What was
23 the page of the second schedule 148 to 149? Second
24 schedule --

25 MS. SCHELLINGER: I've got --

□ Rough Draft - 24

1 THE WITNESS: 154.

2 MR. BARTZEN: 149 to 150. Okay, thank you.

3 MS. SCHELLINGER: It's the same as 140 --
4 154 and 155.

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8 Q There's some line items in those various reports
9 about chlorinating the pipeline. There's an estimate
10 for chlorination.

11 And I just wanted to talk to you about
12 your understanding of what is -- what's required in
13 that regard, as far as chlorination?

14 A Well, they only have to fill the pipe with water
15 which has a certain concentration of chlorine in it
16 and it has to remain in the pipe for a certain
17 duration so that it kills all the bacteria.

18 Q And --

19 A Then you have to dispose of that somehow or other.

20 Q So it needs to sit in the pipeline without it --
21 without moving, right?

22 A Well, you can keep introducing -- I mean, basically
23 you have to have a certain concentration of
24 chlorination going on.

25 And I don't know how they were

□ Rough Draft - 25

1 particularly doing this particular segment. That was
2 actually, I believe, estimated by Erin. So the
3 details of how they're planning on doing this
4 particular, I don't know.

5 Q So you don't know, for example, if they were going to
6 do it section by section or the entire pipeline at
7 once, for example?

8 A Correct.

9 Q Do you know if during the time period that this
10 pipeline has been in operation, whether it's been
11 shut down at all for any reason?

12 A I don't know.

13 Q The chlorination process, you'd obviously have to
14 take the pipeline out of service and rechlorinate it
15 if you took the water out to replace the bolts and
16 gaskets, right?

17 A Yes.

18 Q Could you -- if you didn't do anything else, and all
19 you did was add the access point to the top of the
20 pipeline, could you do that without draining the
21 pipeline?

22 A No, not to my knowledge.

23 Q Why not?

24 A Because you'd be cutting into the pipe and you'd have
25 to -- you'd have to get in there and repair the

□ Rough Draft - 26

1 damage you do to the lining.

2 Q And you'd have probably a geyser popping up if you
3 cut into the pipe, right?

4 A Well, yeah. You can't do it when it's in operation,
5 that's for sure.

6 Q Would you have to drain the whole section of pipe if
7 you were just working on the top of it?

8 A I would assume so, yes, otherwise -- because you have
9 to get in and patch the lining.

10 Q So if you are putting the access point in the top,
11 you'd have to drain the pipe. So you'd probably need
12 to rechlorinate if you did that operation, right?

13 A Yes.

14 Q Could you add -- if you did nothing else, and you
15 just added the concrete supports, could you do that
16 without draining the pipeline?

17 A well, if you weren't -- yeah, if you weren't
18 affecting the inside of the pipe at all, if you
19 figured out some way of doing that.

20 Q I'm not an engineer, so I don't know if you could,
21 but it's possible that you could somehow find a way
22 to support -- to excavate around and dig the trench
23 and put in the concrete without disturbing the flow
24 of water, right?

25 A I -- yeah, I guess it's possible. Yeah.
Rough Draft - 27

1 Q And then for laser profiling, if you did nothing but
2 laser profiling for deflection, would you have to
3 drain the pipeline, if you know?

4 A well, if you're -- if you're using lasers inside the
5 pipe, then, yeah, you'd have to drain the pipe.

6 Q Let's close the loop on chlorination.

7 On page 128, what's page 128? What
8 are you summarizing there?

9 A (Reviewing document.)

10 This is -- this is the Opinion 1 for
11 the gasket and bolt replacement of 5.7 million.

12 Q Did you prepare this document, or was that Mr. Dodge
13 or Ms. Smith?

14 A well, the spreadsheet part here was -- that was
15 actually prepared by Erin.

16 Q So page 128 was prepared by Erin?

17 A Correct. But the costs involved here are -- some
18 were prepared by Mr. Dodge.

19 For instance, E excavation of the
20 valve, replacement of the bolts, those numbers are

21 from the estimate on page 124.

22 Q Okay. There's a line item here for chlorination
23 towards the bottom for 974,195. Do you see that?

24 A Yes.

25 Q Do you know where that number came from?
Rough Draft - 28

1 A That was the number that came from Erin.

2 Q How do you know that came from Erin as opposed to
3 Mr. Dodge?

4 A Because the components that Mr. Dodge worked on are
5 all in this estimate here on page -- starting on page
6 123 and going through page 126.

7 Q Okay. And that has his name on the first page of it
8 on page 123, right? It says "Estimator Dodge"?

9 A Yes.

10 Q Okay. And how did Erin get to the 974,195 for
11 chlorination?

12 A (Perusing documents.)

13 I don't know the answer to that.

14 Q So as you sit here today, you can't state under oath
15 to a reasonable degree of certainty that chlorination
16 of this pipeline would cost \$974,195; is that
17 correct?

18 A That's correct.

19 Q And that same number appears on page 131. There's a
20 line item for chlorination of \$974,195.

21 A Yes.

22 Q Do you see that?

23 A Yes.

24 Q And you don't know where that number came from
25 either, correct? Other than from Erin?

1 A You're talking about the escalate for 18 valves in
2 the middle of the page there?

3 MR. BARTZEN: Yes.

4 MS. SCHELLINGER: Yes.

5 THE WITNESS: That's correct.

6 BY MS. SCHELLINGER:

7 Q So you can't say to a reasonable degree of certainty
8 that your estimate or the estimate on here of
9 \$974,195 is an accurate estimate to chlorinate this
10 pipeline -- correct? -- because you don't know what
11 the backup for this number is?

12 A Correct.

13 Q You would agree with me that even though the line
14 item for chlorination appears on both page 128 which
15 is for the gasket and bolt replacement, and on page
16 131 which is for the pipeline access addition, that
17 no matter what happens here, it's very unlikely you'd
18 have to chlorinate this pipeline twice, correct?

19 A It would depend on the construction sequence.

20 Q Assuming that you did --

21 A Which we don't know.

22 Q Okay. Well, supposedly, if you decided to repair the
23 bolts and gaskets tomorrow, you'd have to chlorinate
24 it when you're done with that project, but -- and if
25 you decided to add the access ten years later, you'd

1 have to chlorinate it ten years later, correct?

2 A Yes.

3 Q But assuming that you took the pipeline out of
4 service and replaced the bolts and gaskets, put in
5 the valve supports, and put in the access all at the
6 same time, you'd only have to chlorinate once, right?

7 A It depends, because I'm not familiar with how they --
8 how they're able to isolate the segments or not, or,
9 again, the construction sequence.

10 So if you -- in the -- getting into
11 the pipe throughout different portions of it, yes,
12 you'd have to do that twice.

13 Q But you don't know what Ms. Smith was contemplating
14 when she put 975 -- or 974,195 in her calculations
15 twice, correct?

16 A Correct.

17 Q If we go to page -- back to page 128, as you pointed
18 out, there is a figure on the bottom of \$5.7 million,
19 which is the same number that is included in your
20 report as Opinion 1 for being the total dollar figure
21 for the gasket and bolt replacement.

22 And what I'd like you to do is walk me
23 through the numbers on this spreadsheet that
24 Ms. Smith prepared, to the extent we can tie it back
25 to the --

□ Rough Draft - 31

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3 (This is a rough draft of the proceedings provided by the
4 court reporter for the benefit of counsel and
5 parties. Please remember it is not a certified,
6 final-form transcript and is not to be used as such.)

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